

REFERENCE TITLE: vehicle accident reports

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1289

Introduced by
Senator Nelson

AN ACT

AMENDING SECTION 28-667, ARIZONA REVISED STATUTES; RELATING TO VEHICLE
ACCIDENT REPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-667, Arizona Revised Statutes, is amended to
3 read:

4 28-667. Written accident report; definition

5 A. A law enforcement officer or public employee who, in the regular
6 course of duty, investigates a motor vehicle accident resulting in bodily
7 injury, death or damage to the property of any person in excess of one
8 thousand dollars or the issuance of a citation shall complete a written
9 report of the accident as follows:

10 1. Either at the time of and at the scene of the accident or after the
11 accident by interviewing participants or witnesses.

12 2. Within twenty-four hours after completing the investigation.

13 B. Every law enforcement officer or public employee who, in the
14 regular course of duty, investigates a motor vehicle accident that results in
15 damage to the property of any person in an amount of one thousand dollars or
16 less, but that does not result in the issuance of a citation or bodily injury
17 or death, shall complete a portion of the written report of the accident.
18 The portion of the written report shall:

19 1. Be completed either at the time of and at the scene of the accident
20 or after the accident by interviewing participants or witnesses.

21 2. Be completed within twenty-four hours after completing the
22 investigation.

23 3. Include the following minimum information:

24 (a) The time, day, month and year of the accident.

25 (b) Information adequate to identify the location of the accident.

26 (c) Identifying information for all involved parties and witnesses,
27 including name, age, sex, address, telephone number, vehicle ownership and
28 registration and proof of insurance.

29 (d) A narrative description of the facts of the accident, a simple
30 diagram of the scene of the accident and the investigating officer's name,
31 agency and identification number.

32 C. The agency employing the officer or public employee:

33 1. Shall not allow a person to examine the accident report or any
34 related investigation report or a reproduction of the accident report or a
35 related investigation report if the request is for a commercial solicitation
36 purpose.

37 2. May require a person requesting the accident or related
38 investigative report to state under penalty of perjury that the report is not
39 examined or copied for a commercial solicitation purpose.

40 3. May retain the original report.

41 4. Shall maintain an electronic copy of the original report if the
42 agency elects not to retain the original report pursuant to paragraph 3 of
43 this subsection.

44 5. Shall immediately forward a copy of the report to the department OF
45 TRANSPORTATION for its use.

1 6. ON REQUEST SHALL PROVIDE A COPY OF THE UNREDACTED REPORT TO THE
2 FOLLOWING:

3 (a) A PERSON WHO IS INVOLVED IN THE ACCIDENT OR THE OWNER OF A VEHICLE
4 INVOLVED IN THE ACCIDENT IF THE PERSON WHO REQUESTS THE UNREDACTED REPORT
5 SUBMITS PROOF TO THE AGENCY OF INVOLVEMENT IN THE ACCIDENT.

6 (b) ANY INSURER THAT WRITES AUTOMOBILE LIABILITY OR MOTOR VEHICLE
7 LIABILITY POLICIES AND THAT IS UNDER THE JURISDICTION OF THE DEPARTMENT OF
8 INSURANCE OR INSURANCE SUPPORT ORGANIZATION OR A SELF-INSURED ENTITY OR ITS
9 AGENTS, EMPLOYEES OR CONTRACTORS IN CONNECTION WITH CLAIMS INVESTIGATION
10 ACTIVITIES, ANTIFRAUD ACTIVITIES, RATING OR UNDERWRITING.

11 (c) AN ATTORNEY LICENSED TO PRACTICE LAW OR TO A LICENSED PRIVATE
12 INVESTIGATOR IN CONNECTION WITH ANY CIVIL, ADMINISTRATIVE OR ARBITRATION
13 PROCEEDING IN ANY COURT OR GOVERNMENT AGENCY OR BEFORE ANY SELF-REGULATORY
14 BODY, INCLUDING THE SERVICE OF PROCESS, INVESTIGATION IN ANTICIPATION OF
15 LITIGATION AND THE EXECUTION OR ENFORCEMENT OF JUDGMENTS AND ORDERS, OR
16 PURSUANT TO A COURT ORDER.

17 D. IF A REQUEST IS MADE PURSUANT TO PARAGRAPH 6, SUBDIVISION (a) OR
18 (c) OF THIS SECTION AND THE ACCIDENT REPORT INDICATES THAT A CRIMINAL
19 COMPLAINT HAS BEEN ISSUED, BEFORE THE REPORT IS RELEASED THE PERSONAL
20 IDENTIFYING INFORMATION REGARDING ANY VICTIM SHALL BE REDACTED FROM THE
21 ACCIDENT REPORT PURSUANT TO SECTION 13-4434.

22 ~~D.~~ E. The department may place notes, date stamps, identifying
23 numbers, marks or other information on the copies as needed, if they do not
24 alter the original information reported by the investigating officer or
25 public employee.

26 F. ANY LAW RESTRICTING THE DISTRIBUTION OF PERSONAL IDENTIFYING
27 INFORMATION BY A BUSINESS ENTITY DESCRIBED IN SUBSECTION C, PARAGRAPH 6,
28 SUBDIVISION (b) OF THIS SECTION APPLIES TO PERSONAL IDENTIFYING INFORMATION
29 CONTAINED IN AN ACCIDENT REPORT. IF A PERSON WHO RECEIVES INFORMATION UNDER
30 THIS SECTION IS NOT OTHERWISE SUBJECT TO DISTRIBUTION RESTRICTIONS FOR
31 INFORMATION CONTAINED IN ACCIDENT REPORTS, THE PERSON SHALL NOT RELEASE THE
32 REPORT OR ANY INFORMATION CONTAINED IN THE REPORT EXCEPT AS PROVIDED IN
33 SUBSECTION C, PARAGRAPH 6 OF THIS SECTION.

34 ~~E.~~ G. For the purposes of this section, "commercial solicitation
35 purpose" means a request for an accident report if there is neither:

36 1. A relationship between the person or the principal of the person
37 requesting the accident report and any party involved in the accident.

38 2. A reason for the person to request the report other than for the
39 purposes of soliciting a business or commercial relationship.

40 Sec. 2. Emergency

41 This act is an emergency measure that is necessary to preserve the
42 public peace, health or safety and is operative immediately as provided by
43 law.